

Order

Entered:

July 17, 2003

ADM File No. 2003-39

Amendment of Rule 3.955
of the Michigan Court Rules

**Michigan Supreme Court
Lansing, Michigan**

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

On order of the Court, in conformity with the notice provided in *People v Petty*, 469 Mich ____ (2003), we amend Rule 3.955 of the Michigan Court Rules, effective immediately. MCR 1.201(D). This matter will be on the agenda of a future public administrative hearing. The notices and schedules for such a hearing are posted at www.courts.mi.gov/supremecourt well in advance of the hearing, along with instructions for reserving time to address the Court in person.

[The present language is amended as indicated
below by underlining for additions.]

Rule 3.955 Sentencing or Disposition in Designated Cases

- (A) Determining Whether to Sentence or Impose Disposition. If a juvenile is convicted under MCL 712A.2d, sentencing or disposition shall be made as provided in MCL 712A.18(1)(n) and the Crime Victim's Rights Act, MCL 780.751 *et seq.*, if applicable. In deciding whether to enter an order of disposition, or impose or delay imposition of sentence, the court shall consider all the following factors, giving greater weight to the seriousness of the offense and the juvenile's prior record:
- (1) the seriousness of the alleged offense in terms of community protection, including but not limited to, the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm or other dangerous weapon, and the effect on any victim;

- (2) the culpability of the juvenile in committing the alleged offense, including, but not limited to, the level of the juvenile's participation in planning and carrying out the offense and the existence of any aggravating or mitigating factors recognized by the sentencing guidelines;
- (3) the juvenile's prior record of delinquency, including, but not limited to, any record of detention, any police record, any school record, or any other evidence indicating prior delinquent behavior;
- (4) the juvenile's programming history, including, but not limited to, the juvenile's past willingness to participate meaningfully in available programming;
- (5) the adequacy of the punishment or programming available in the juvenile justice system; and
- (6) the dispositional options available for the juvenile.

The court also shall give the defendant, the defendant's lawyer, the prosecutor, and the victim an opportunity to advise the court of any circumstances they believe the court should consider in deciding whether to enter an order of disposition or to impose or delay imposition of sentence.

(B) - (E) [Unchanged.]

Staff Comment: The July 17, 2003 amendment of MCR 3.955 is explained in *People v Petty*, 469 Mich __ (2003).

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 17, 2003

Corbin R Davis

Clerk